

Notice of Allowability

Application No.

10/602,136

Examiner

Patrick T. Lewis

Applicant(s)

SOMMADOSSI ET AL.

Art Unit

1623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Preliminary Amendment dated June 20, 2003.
2. ☒ The allowed claim(s) is/are 89,130-134,136-140 and 142-169.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 03082004; 03032006
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 02282006
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Dr. Patrick T. Lewis
Primary Examiner
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Sherry Knowles on March 1, 2006.

The application has been amended as follows:

In the specification, page 1, line 7, after the date "May 23, 2001," the phrase ---now U.S.

Patent 6,914,054,--- has been inserted.

In claim 89, lines 8-12, the text "alkyl; sulfonate ester; benzyl, wherein the phenyl group is optionally substituted with one or more substituents; a lipid;; an amino acid; a carbohydrate; a peptide; a cholesterol; or other" has been deleted and the term --or--- has been inserted therefor.

In claim 89, lines 16-19, the term "hydroxy," and text "azido, cyano, alkenyl, alkynyl, Br-vinyl, -C(O)O(alkyl), -C(O)O(lower alkyl), -O(acyl), -O(lower acyl), -O(alkyl), -O(lower alkyl), -O(alkenyl), chloro, bromo, fluoro, iodo, NO₂, NH₂, -NH(lower alkyl), -NH(acyl), -N(lower alkyl)₂, or -N(acyl)₂" have been deleted.

In claim 89, line 27, the text ", S, SO₂ or CH₂" has been deleted.

In claim 130, lines 7-9, the text "alkyl; sulfonate ester; or benzyl, wherein the phenyl group is optionally substituted with one or more substituents; a lipid; an amino

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acid; a carbohydrate; a peptide; cholesterol; or other” has been deleted and the term ---or--- has been inserted therefor.

In claim 131, lines 8-9, the text “alkyl; sulfonate ester; or benzyl, wherein the phenyl group is optionally substituted; a lipid; an amino acid; a carbohydrate; a peptide; cholesterol; or other” has been deleted and the term ---or--- has been inserted therefor.

In claim 131, lines 13-16, the term “hydroxy,” and text “, azido, cyano, alkenyl, alkynyl, Br-vinyl, -C(O)O(alkyl), -C(O)O(lower alkyl), -O(acyl), -O(lower acyl), -O(alkyl), -O(lower alkyl), -O(alkenyl), chloro, bromo, fluoro, iodo, NO₂, NH₂, -NH(lower alkyl), -NH(acyl), -N(lower alkyl)₂, or -N(acyl)₂” have been deleted.

In claim 131, line 21, the text “, S, SO₂ or CH₂” has been deleted.

In claim 132, lines 7 and 9, the text “, chlorine, bromine, or iodine” and “, S, SO₂ or CH₂” has been deleted.

In claim 134, the text “, acyl or alkyl” has been deleted and the term ---or acyl--- has been inserted therefor.

Claims 135 and 141 have been deleted.

In claim 142, line 3, the text “, acyl or alkyl” has been deleted and the term ---or acyl--- has been inserted therefor.

In claim 143, lines 2-3, the text “(wherein acyl is C(O)(alkyl, aryl, alkylaryl, or arylalkyl)” has been deleted.

In claim 146, line 1, the number “196” has been deleted and the number ---145--- has been inserted therefor.

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In claim 147, line 1, the number "196" has been deleted and the number ---145--- has been inserted therefor.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance: Harry-O'kuru et al. Nucleotides & Nucleosides (1997), Vol. 16, pages 1457-1460 (Harry) is the closest prior art. Harry teaches the synthesis 2'-C-alkylribonucleosides and their use antiviral agents; however, Harry does not explicitly teach the use of said 2'-C-alkylribonucleosides for treating HCV, nor does Harry teach the instantly claimed purine nucleosides and nucleotides.

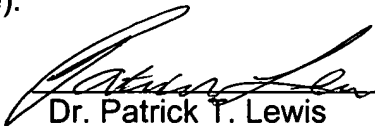
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick T. Lewis whose telephone number is 571-272-0655. The examiner can normally be reached on Monday - Friday 10 am to 3 pm (Maxi Flex).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shaojia A. Jiang can be reached on 571-272-0627. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Dr. Patrick T. Lewis
Primary Examiner
Art Unit 1623

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